

CASE No. 146

File No.	Name	Date of Birth	Sentence	Confirmation	Final Reduction	Date of Release if full remiss. earned
L15/6/193	Karl SCHMIDT	9.8.89	15 years w.e.f. 27.5.46	Confirmed	10 years w.e.f. 27.5.48 (Wade Committee)	26.1.55

Place and date of trial and charges

SCHMIDT was tried by a British Military Court at Celle between 16th and 27th May 1946. There was no Judge Advocate at the trial, but the Permanent President, War Crimes Courts, presided. The charge was being concerned in the ill-treatment and killing of Allied Nationals interned in BELSEN between February 1945 and April 1945 when a member of the Concentration Camp staff.

Facts

Depositions from a British subject interned in BELSEN, and from Brigadier Glyn Hughes, who entered the Camp on 15th April 1945, and photographs were produced to the Court to describe the appalling conditions which existed in this Concentration Camp.

SCHMIDT

- (i) SCHMIDT, now aged almost 62, stated that he was drafted to the Waffen SS Holding Unit on 1st May 1942. He was transferred to BELSEN in Autumn 1944. He claims to have been employed on duties inside the camp several times a week, and on other days on telephone duties and outside Kommandos. He was a lance-corporal. He admits he was a Blockführer from September 1944 to 23 February 1945.
- (ii) A Pole named Samuel KURT, in a sworn statement states that he arrived in BELSEN in February 1945 and lived in Block 15, which was filled with sick prisoners. KURT states that SCHMIDT was one of the SS men who came round in the morning to check prisoners and get them on to parade. KURT says that on these occasions SCHMIDT behaved like a ferocious savage. One morning about a month before the British arrived KURT was lying suffering from an open festering wound on his right thigh as a result of a beating, and could hardly move, when SCHMIDT saw him and started to beat him savagely with a wooden stick across the face, arms and shoulders, and kicked him with his boots in the body and legs.

/ (iii)

- (iii) A Pole named Wladislaw BYRSKI in a sworn statement states that he arrived in BELSEN on 12th March 1945 and lived in Block 15, which was for convalescent people. BYRSKI states that SCHMIDT was Blockführer of this Block and a sort of medical orderly. SCHMIDT used to take the morning Appell which lasted from 3 a.m. to 11 a.m. The hut orderlies were told by SCHMIDT to kill people if need be to get them on parade. SCHMIDT issued thick wooden clubs for use against the sick prisoners. If the prisoners did not get out of the hut quickly enough, SCHMIDT would start to beat them sick with a shovel. SCHMIDT beat indiscriminately on all parts of the body, and those who fell to the ground were kicked and trampled on, some being killed.
- (iv) A Pole named Jessia SILBERBERG, in a sworn statement, states that he came to BELSEN in January 1945. SILBERBERG says that SCHMIDT was one of the worst guards at the camp and very often used to beat up people very severely for no reason whatever. SCHMIDT always used a wooden stick about 1½ metres long of the thickness of a man's arm. He never stopped beating till profuse bleeding occurred, and SILBERBERG states that it was obvious that he (SCHMIDT) much enjoyed the sight of blood. On an occasion in February 1945 in a road building Kommando, SCHMIDT, who was in charge, went up to a woman and beat her very brutally until she lay unconscious and bleeding on the road, and had to be taken to hospital.
- (v) SCHMIDT said in evidence that he never carried a stick and never beat anyone with a stick, but he said, "I may have pushed with my hands. I meant 'moved along' not 'pushed.'" He recalls that there were 4 or 5 SCHMIDT's in the camp (but the witnesses identified him by photographs and not always by name). He says he was hardly ever in the blocks and was never with a road building party. He admits that between January and February 1945 he acted as a Blockführer. He said Block 15 was a hospital, and that roll call started about 8 or 9 a.m. and went on till 10 a.m. and was always when it was light.
- (vi) Heinz HEIDEMANN stated in evidence that SCHMIDT was on telephone duty, but that there was a man like him on medical duties who could have been mistaken for him. OTTE, who was Clerk in the Camp where Block 15 was situated stated in evidence that SCHMIDT had nothing to do with the hospital. OTTE says he detailed SCHMIDT in his duties, and that there was no one in the Camp similar to SCHMIDT.
- (vii) SCHMIDT's Counsel said in defence that to look at SCHMIDT would tell one that
/he ...

he is a kind, soft-hearted man ! Mistaken identity was submitted. The Court in judgment pointed out the discrepancies in SCHMIDT's evidence, i.e. that he denied the allegations made in the sworn statements but admitted taking roll calls and pushing prisoners with both hands. The Court was satisfied on the question of identification (which seems to be at the root of the case), and took no steps to call the witnesses on whose sworn statements the prosecutions case rested to confirm their identification. Presumably they checked that the photo from which these witnesses identified SCHMIDT resembled him.

(viii) The Wade Committee reduced the sentence from 15 years w.e.f. 27th May 1946 to 10 years w.e.f. 27th May 1948.

(ix) The following petitions are outstanding. A petition dated 8th August 1950 by SCHMIDT's wife asking for clemency on the grounds that she cannot believe he committed a crime against humanity, and she is in ill-health, and the City Administration of Helmstedt support her petition. There is also a petition dated 10th July 1951, from SCHMIDT's lawyer, who asks for a review of the case and points out SCHMIDT's age and his wife's ill-health.

Observations

One must accept the facts with regard to the cruelty and ill-treatment of concentration camp inmates which was sworn to in this case. The only question upon which there can be any doubt is whether SCHMIDT was, in fact, the man who inflicted it. The prosecution witnesses say that he was. For the defence two witnesses were called who said that he was not the man in question; that he never carried a stick, and that it must have been another elderly orderly. Defence Counsel put in a written copy of his final speech dealing fully with this point, which has been forwarded with his petition dated 10 July 1951.

The Court had, therefore, evidence before it both ways and accepted the evidence of the prosecution. It is submitted that no case can now be made out for going behind the finding.

Upon the question of sentence, a reduction from 15 to 10 years has already been granted. If you accept the evidence of the prosecution, this sentence is not too heavy.